

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CRISTINO MEJIA and PABLO BONILLA *on
behalf of themselves and all other similarly
situated,*

Plaintiffs,

-against-

**AMENDED
ORDER ADOPTING R&R
20-CV-04 (DRH) (ARL)**

VILLA MICHELANGELO ITALIAN
RESTAURANT & PIZZERIA, INC. *also known
as Michelangelo Mattituck* and FRANCESCO
DISTEFANO, *individually,*

Defendants.

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Presently before the Court is the Report and Recommendation of Magistrate Judge Arlene R. Lindsay, dated December 20, 2021, recommending that plaintiffs' motion for default judgment be granted to the extent that that the plaintiffs be awarded damages as follows: (1) unpaid overtime wages in the amount of \$72,220.00 to Mejia and \$72,910.00 to Bonilla, for a total award of \$145,130.00 in unpaid overtime wages; (2) unpaid wages in the amount of \$1,120.00 to Mejia and \$1,160.00 to Bonilla, for a total award of \$2,280.00, in unpaid wages; (3) spread of hours pay in the amount of \$13,879.00 to Mejia and \$13,879.00 to Bonilla, for a total of \$27,758.00 in spread of hours pay; (4) liquidated damages in the amount of \$87,219.00 to Mejia and \$87,949.00 to Bonilla, for a total award of \$175,168.00, in liquidated damages; (5) \$10,000.00 (\$5,000 each for Mejia and Bonilla for wage notice violations and \$10,000.00 (\$5,000 each to Mejia and Bonilla) for wage statement violations; (6) interest in the amount of \$37,709.56 per year for Mejia and \$31,978.26 per year for Bonilla, for a total of \$69,687.82 in prejudgment interest;

and (7) \$10,641.02. in attorneys' fees and costs. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error and finds none except with respect to the interest calculation for Mejia. Accordingly, the December 20, 2021 Report and Recommendation of Judge Lindsay is adopted, as modified, by changing the recommended award of prejudgment interest for Mejia to \$31,712.83. Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for a default judgment against defendants is granted and plaintiffs are awarded damages against defendants, jointly and severally, as follows: (1) unpaid overtime wages in the amount of \$72,220.00 to Mejia and \$72,910.00 to Bonilla, for a total award of \$145,130.00 in unpaid overtime wages; (2) unpaid wages in the amount of \$1,120.00 to Mejia and \$1,160.00 to Bonilla, for a total award of \$2,280.00, in unpaid wages; (3) spread of hours pay in the amount of \$13,879.00 to Mejia and \$13,879.00 to Bonilla, for a total of \$27,758.00 in spread of hours pay; (4) liquidated damages in the amount of \$87,219.00 to Mejia and \$87,949.00 to Bonilla, for a total award of \$175,168.00, in liquidated damages; (5) \$10,000.00 (\$5,000 each for Bonilla and Mejia) for wage notice violations and \$10,000.00 (\$5,000 each to Mejia and Bonilla) for wage statement violations; (6) interest in the amount of \$31,712.83 per year for Mejia and \$31,978.26 per year for Bonilla, for a total of \$63,691.09 in

prejudgment interest; and (7) \$10,641.02. in attorneys' fees and costs. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
January 19, 2022

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge